

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 2
Mtg. Date June 6, 2017
Dept. City Manager's

Item Title: Ordinance No. 445 Amending Park Regulations (Chapter 12.20 of the Lemon Grove Municipal Code)

Staff Contact: Miranda Evans, Management Analyst

Recommendation:

Staff recommends that the City Council:

- 1) Conduct the second reading, by title only, of Ordinance No. 445 to amend park regulations in Chapter 12.20 of the Lemon Grove Municipal Code, and
- 2) Adopt Ordinance No. 445 (**Attachment A**).

Item Summary:

On May 16, 2017, the City Council introduced and conducted the first reading of Ordinance No. 445 (**Attachment A**) to approve amendments to the City's park regulations. Proposed amendments to the existing regulations include provisions related to: hours of operation, the prohibition of alcohol possession and consumption and the prohibition of smoking marijuana and marijuana-related products within City parks.

Staff prepared this report to continue the ordinance adoption process by recommending the second reading, by title only, of Ordinance No. 445. If adopted, the Ordinance would become effective on July 7, 2017.

Fiscal Impact:

There is a fiscal impact associated with the cost of purchasing new signage for all City parks.

Environmental Review:

- | | |
|--|---|
| <input type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input checked="" type="checkbox"/> Exempt, Sections 15308 and 15321 | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Tribal Government Consultation Request |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Notice to property owners within 500 ft. | |

Attachments:

A. Ordinance No. 445

ORDINANCE NO. 445

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA AMENDING CHAPTER 12.20 OF THE LEMON GROVE MUNICIPAL CODE TO PROVIDE MODIFICATIONS TO PARK REGULATIONS

WHEREAS, Lemon Grove residents, City staff and law enforcement personnel have become increasingly concerned regarding the safety of City parks; and

WHEREAS, staff analyzed alcohol consumption and park regulations adopted by nearby East County jurisdictions; and

WHEREAS, the City of Lemon Grove maintains eight public parks and the proposed ordinance amendments are applicable to all eight parks; and

WHEREAS, it is in the interest of the health, welfare and safety of the people of the City of Lemon Grove to prohibit the possession and consumption of alcohol in City parks, the smoking of marijuana and marijuana-related products and to prevent park usage after dark thereby limiting the park hours of park operation from dawn to dusk; and

WHEREAS, these proposed amendments are beneficial for the City by supporting family-friendly opportunities for recreation and are similar to those of neighboring jurisdictions; and

WHEREAS, the proposed amendments are found to be categorically exempt from the environmental review requirements of the California Environmental Quality Act (Sections 15308 and 15321); and

WHEREAS, the proposed amendments are consistent with the General Plan, in accordance with Government Code Section 65860, as amended.

NOW, THEREFORE, amendments to Chapter 12.20, PARKS AND FACILITIES, establishing revised park regulations, are hereby added to the City of Lemon Grove Municipal Code to read as shown in Exhibit A.

INTRODUCED by the City Council on May 16, 2017.

SECOND READING by the City Council on June 6, 2017.

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EXHIBIT A
TEXT OF PROPOSED REGULATIONS

NOTE:

- Text proposed to be added is displayed in underlined type.
- Text proposed to be deleted is displayed in strikethrough type.

In the City of Lemon Grove Municipal Code to amend Parks and Facilities Regulations, Chapter 12.20, to read as follows:

Chapter 12.20 Parks and Facilities [Excerpts only]

Section 12.20.050 Hours of operation.

- A. It is unlawful to remain upon the grounds of any city park, or any part thereof, except between the hours of six a.m. to nine p.m. during the months of April through October, and during the hours of seven a.m. to seven p.m. during the months of November through March the hours of dawn to dusk. The director is authorized to alter the park closing hours stated herein above when determined necessary to protect public health, safety, or welfare. Any change in park hours shall be posted at each affected park site. Any alteration in park hours shall be made on a content-neutral basis and shall be solely based on threats to the health, safety and welfare of park users. If an alteration in park hours is claimed to potentially impact the expressive rights of any park user, said affected individual may seek immediate judicial review of the change in park hours pursuant to California Code of Civil Procedure Section 1094.8.

Section 12.20.070 ~~Glass containers and beer kegs~~ Consumption of alcohol.

- A. ~~Except where expressly permitted under the terms of a lease, operating agreement or permit issued by the director,, it~~ It is unlawful to possess and consume all ~~glass container~~ alcoholic beverages within any city park, recreation facility or recreation area.
- B. ~~It is unlawful to possess a beer keg or any similar single container capable of containing or containing more than one gallon of beer classified as an alcoholic beverage within any city park, recreation facility, or recreation area. (Ord. 329, 2004)~~

Section 12.20.355 Smoking in public parks.

It is unlawful to possess a lighted or burning tobacco product or tobacco-related product, marijuana or a marijuana-related product, or use an electronic smoking device, as defined in Lemon Grove Municipal Code Chapter 8.24, at any time within the boundaries of any park, including designated parking areas of any city park. ~~(Ord. 430 § 3, 2015; Ord. 383 § 1, 2009)~~